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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,094	10/08/2003	Yasushi Kasai	03500.017624	4435
5514 7590 03/17/2009 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
CUTLER, ALBERT H				
ART UNIT		PAPER NUMBER		
2622				
MAIL DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/680,094

**Applicant(s)**

KASAI, YASUSHI

**Examiner**

ALBERT H. CUTLER

**Art Unit**

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13 and 15-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is responsive to communication filed on January 15, 2009. Claims 13 and 15-17 are pending in the application and have been examined by the Examiner.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 15, 2009 has been entered.

#### ***Information Disclosure Statement***

3. The Information Disclosure Statement (IDS) mailed January 16, 2009 was received and has been considered by the Examiner.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 13 and 15-17 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 13, 15 and 16 rejected under 35 U.S.C. 102(b) as being anticipated by Amir et al. (US 2002/0140719).

Consider claim 13, Amir et al. teaches:

An image processing apparatus comprising:

a reproducing unit which reproduces a moving image from a storage medium during a predetermined reproduction time (A video stream is displayed on a monitor (figure 1), paragraph 0022. A segment of video (i.e. a moving image) is reproduced from a first video stream during a predetermined reproduction time, which segment provides part of a summary of a full length video. See paragraphs 0004, 0022 and 0023. The moving image can be remote-stored (paragraph 0021) such as in a database (paragraph 0026).); and

a determining unit which determines whether a first button is pressed, before the predetermined reproduction time is passed, wherein reproduction of the moving image is stopped if the first button is not pressed before the predetermined reproduction time is passed, wherein said reproducing unit reproduces not only a part of the moving image that occurs during said predetermined reproduction time, but also reproduces a remaining part of the moving image, if said determining unit determines that the first button is pressed before the predetermined reproduction time is passed (Clicking a mouse button or a keyboard key enables the switching between streams, paragraphs 0020 and 0023. If a scene within a video skim (i.e. a video summary of the entire full length video) is selected by the user, then the full length video begins at (or near) a

point in the video determined by the point in the video skim at which the user clicked the mouse or keyboard. See figure 2, paragraph 0024 for further explanation. If a video skim (20) comprising a plurality of video segments (i.e. moving images) is played, and the user clicks the mouse or keyboard during the playing of one of such segments (for example "23" in figure 2), then the image processing apparatus switches to a full length video (21) stream containing the video segment (i.e. moving image, 23) in which both the part of the moving image from the skim and the remaining part of the moving image is played. If the button is not pressed before the playing of the moving image (23) of the skim (21) is completed, then the moving image (23) is stopped and the next moving image (e.g. 26, figure 2) is reproduced.),

wherein said reproducing unit starts reproduction of a next still image or a next moving image, if reproduction of the moving image reaches the end of the moving image (See paragraphs 0023 and 0024. Segments (i.e. moving images, scenes) within the video skim are continuously played one after the other until the user clicks the button or mouse.),

wherein said determining unit determines whether a second button is pressed, after the first button is pressed to reproduce the remaining part of the moving image, and wherein said reproducing unit terminates the reproduction of the remaining part of the moving image and then starts reproduction of a next still image or moving image, if said determining unit determines that the second button is pressed, after the first button is pressed (Amir et al. teaches in figure 3 and paragraph 0026 and more specifically in

paragraphs 0027 and 0034, that at any time during the playback of the moving image a "next result" button (84) can be clicked to skip to a next moving image.).

Amir et al. additionally teaches that the media clips may be altogether different segments which may be watched together as if combined into one continuous video (paragraph 0026), and additionally addresses the implementation of slide shows (paragraph 0004). Amir et al. also teaches of implementation in a cellular device or PDA (paragraph 0044).

Consider claim 15, and as applied to claim 13 above, Amir et al. additionally teaches that a display unit (monitor, figure 1, figure 3) is used to display the part and remaining part of moving images (paragraphs 0022-0024).

Consider claim 16, and as applied to claim 13 above, Amir et al. further teaches that a display unit (monitor, figure 1, figure 3) outputs a video signal that is used to display the part and remaining part of moving images (paragraphs 0022-0024).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amir et al. in view of Wolf et al. (US 2004/0201688).

Consider claim 17, and as applied to claim 13 above, Amir et al. teaches that the image processing apparatus can be implemented using a computer (paragraph 0002), but does not explicitly teach that the image processing apparatus includes a digital camera.

Wolf et al. similarly teaches of an image processing apparatus (figure 1).

However, Wolf et al. additionally teaches that the image processing apparatus (figure 1) includes a digital camera (digital camera, 10, paragraph 0035).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have the image processing apparatus taught by Amir et al. include a digital camera as taught by Wolf et al. for the benefit of improving the versatility of the image processing apparatus by enabling the playing and storage of image files from an alternate source (Wolf et al., paragraphs 0007 and 0035).

**Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Jun et al. (US 2002/0051010) teaches of video skimming by reproducing only sections of scenes of a video stream (see abstract, figure 2).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALBERT H. CUTLER whose telephone number is (571)270-1460. The examiner can normally be reached on Mon-Thu (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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/Sinh N Tran/

Supervisory Patent Examiner, Art Unit 2622